

MESSAGE NO: 8223112 MESSAGE DATE: 08/11/1998

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-588-405

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 06/04/1985 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: SCOPE RULING ON CELLULAR MOBILE TELEPHONE & SUBASSEMBLIES (CTMS)
FROM JAPAN FOR THE PERIOD 6/4/85 THROUGH 11/30/97 (A-588-405)

MESSAGE NO: 8223112

DATE: 08 11 1998

CATEGORY: ADA

TYPE: SCO

REFERENCE:

REFERENCE DATE:

CASES: A - 588 - 405

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PERIOD COVERED: 06 04 1985 TO

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: SCOPE RULING ON CELLULAR MOBILE TELEPHONE & SUBASSEMBLIES
(CTMS) FROM JAPAN FOR THE PERIOD 6/4/85 THROUGH 11/30/97
(A-588-405)

1. ON JANUARY 22, 1997, THE COURT OF INTERNATIONAL TRADE
AFFIRMED THE DEPARTMENT OF COMMERCE'S JUNE 17, 1996 REMAND
DETERMINATION IN MURATA MANUFACTURING COMPANY, LTD, AND
MURATA ELECTRONICS NORTH AMERICA, INC. V. UNITED STATES, CIT
CONSOL. COURT NO. 91-09-00703. BECAUSE NO PARTY APPEALED
THIS DECISION, THIS REMAND DETERMINATION IS NOW A FINAL
SCOPE DECISION. THEREIN, THE DEPARTMENT OF COMMERCE FOUND
THE FOLLOWING MODEL NUMBERS ARE WITHIN THE SCOPE OF THE
ANTIDUMPING DUTY ORDER COVERING CMTS FROM JAPAN (A-588-405):

MODEL NUMBER

VCO MQC013-835

DFY 3R784CR835B

DFC 6R883P026BTM

DFC 6R838P026BTM

2. IF YOU ARE STILL SUSPENDING LIQUIDATION ON ANY ENTRIES OF CMTS FROM JAPAN DURING THE PERIOD JUNE 4, 1985 THROUGH NOVEMBER 30, 1997 WITH THE ABOVE MODEL NUMBERS YOU SHOULD NOW, UNLESS OTHERWISE INSTRUCTED, LIQUIDATE SUCH ENTRIES AT THE DEPOSIT RATE REQUIRED AT THE TIME OF ENTRY OF THE MERCHANDISE.
3. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRY SUMMARIES FOR THE MERCHANDISE AND PERIOD LISTED ABOVE. FOR ALL OTHER SHIPMENTS OF CMTS FROM JAPAN YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.
4. IN THE SAME SCOPE DECISION, THE DEPARTMENT OF COMMERCE DETERMINED THAT CERTAIN OTHER IMPORTED PRODUCTS WERE NOT WITHIN THE SCOPE OF THE ORDER. THEREFORE, THE FOLLOWING MODEL NUMBERS ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CMTS FROM JAPAN:

MODEL NUMBER

VCO MQC013-785

AFC 94A001X2

AFC 911F001A1

AFC 920A001A2

AFM 98F001A2

5. EFFECTIVE AUGUST 7, 1998, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES OF CMTS, REGARDLESS OF ENTRY DATE,
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FOR THE MODEL NUMBERS LISTED IN POINT FOUR. YOU SHOULD LIQUIDATE SUCH ENTRIES WITHOUT REGARD FOR ANTIDUMPING DUTIES.

6. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE MODELS NUMBERS LISTED IN POINT FOUR.
 7. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER WHICH IS DECEMBER 19,1985. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.
 8. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CUSTOMS SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 353.26 OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER HAS BEEN REIMBURSED ANTIDUMPING DUTIES, CUSTOMS SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER FAILS TO RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.
 9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY
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LIAISON, USING THE ATTRIBUTE HQ OAB." IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT GREGORY THOMPSON AT 202-482-0410, AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party